

December 26, 2024

VIA ECF

The Honorable Jessica G.L. Clarke
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Rapaport v. Epstein, et al.*, No. 1:24-cv-07439 (JGLC)
Motion for Extension of Time to Answer

Dear Judge Clarke:

I write on behalf of Defendants Ajay Iyer, Zachary Garrett, Andrew Nelms, and William Weinberg (collectively, “Defendants”) to respectfully request that their deadline to respond to Plaintiff’s complaint be extended to February 13, 2025. This is Mr. Iyer’s second request for an extension of this deadline, and this is the first request for the remaining Defendants. There is good cause to grant this request.

First, the requested extension will promote efficiency by ensuring that Defendants have the same response deadline. Presently, Defendants face varying deadlines. *See* ECF Nos. 6, 7. In fact, because Plaintiff served Mr. Garrett on December 23, 2024, he is only now under an obligation to respond to Plaintiff’s complaint. Granting the requested extension will allow Defendants to have the same deadline to respond to Plaintiff’s complaint.

Second, the requested extension will afford Defendants sufficient time to review the complaint and determine how they wish to respond. Undersigned counsel was only retained last week to represent Defendants Garrett, Nelms, and Weinberg in this matter, and he must therefore devote sufficient time to conferring with each Defendant to determine how they wish to respond. In light of the holidays, that process will be delayed.

Third, the requested extension accounts for several other pressing deadlines. As noted, Defendant Iyer’s response is currently due by January 30, 2025. In addition to the current deadlines in this case, undersigned counsel must devote time to ongoing discovery tasks in other matters. Additionally, undersigned must devote substantial time to handling a large dispositive motion due in the United States District Court for the District of Columbia on January 29, 2025, a class-action brief in the Fifth Circuit Court of Appeals due on January 31, 2025, and oral argument in the Sixth Circuit Court of Appeals on February 6, 2025. By extending Defendants’ response deadline to February 13, 2025, Defendants will be able to provide the Court with a thorough and

efficient response that coordinates the various issues to be addressed without unnecessary redundancy.

Before filing this motion, undersigned conferred with *pro se* Plaintiff to obtain his position. Plaintiff stated that he opposes the request. His only basis for doing so appears to be his belief that undersigned cannot represent Defendants because, in Plaintiffs' estimation, their joint representation is "categorically unethical, and incapable of remedy by waiver." As Defendants Iyer and Garrett explained in Mr. Rapaport's other litigation against them, Plaintiff's theory of conflicts ignores binding precedent. *See* Defs.' Opp'n to Disqualification Mot., *Rapaport v. Iyer*, No. 1:23-cv-06709 (JGLC) (S.D.N.Y. Sept. 27, 2024) (ECF No. 75). Assuming Plaintiff resorts to filing a similar disqualification motion in this case, Defendants will explain again the various reasons why Plaintiff's attempt to disqualify counsel should be swiftly rejected. At this point, however, Plaintiff's perceived conflicts are no reason to deny Defendants sufficient time to respond to Plaintiff's complaint in an efficient and thorough manner.

Accordingly, Defendants respectfully request that the Court extend Defendants' response deadline to February 13, 2025.

Respectfully,

/s/ Brian J. Field

Brian J. Field*

(D.C. Bar No. 985577)

SCHAERR | JAFFE LLP

1717 K Street NW, Suite 900

Washington, DC 20006

Telephone: (202) 787-1060

Facsimile: (202) 776-0136

bfield@schaerr-jaffe.com

**Pro hac vice* motion concerning
Defendant Iyer pending. *Pro hac vice*
motion concerning Defendants Garrett,
Nelms and Weinberg concurrently filed.

*Counsel for Defendants Ajay Iyer,
Zachary Garrett, Andrew Nelms,
and William Weinberg*

cc: *Pro se* Plaintiff and all counsel (via ECF)